

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ALBERTO WILLIAM VILAR,

Defendant.

No. 05-cr-621 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of two letter motions, one that was docketed on January 25, 2021 (Doc. No. 928) and another that was undocketed but sent to Chambers on January 26, 2021, seeking permission to file redacted and/or sealed documents in connection with Defendant Alberto Vilar's motion for relief from his restitution payments. (Doc. No. 913). For the reasons discussed below, the motions are granted.

Vilar previously filed an unsigned and wholly unredacted financial statement as an attachment to his January 19, 2021 letter in support of his motion for relief from restitution payments. (*See* Doc. No. 924-1.) That financial statement contained personal information – including Vilar's date of birth, social security number, telephone numbers, bank account numbers, and current address – as well as the name and telephone number of his current landlord, and the full names of those who loaned him money for bail. (*Id.*) On January 25, 2021, Vilar's letter brief and financial statement were reproduced and filed on CM/ECF with Vilar's social security number redacted. (Doc. No. 927.) Later that day, counsel sent the Court a signed version of the same financial statement – except that, for this version, the personal and third-party information was somewhat marked over, in an apparent (though ultimately

unsuccessful) attempt to redact these details. Vilar now requests that the Court place each of these copies of his financial statement under seal and permit him to file the signed version, with redactions of the above-mentioned personal and third-party information.

Vilar's social security number, birthday, and bank account numbers are required to be partially redacted pursuant to Federal Rule of Criminal Procedure 5.2. And his other personal information, along with the third-party information, should be redacted as well. Although the presumption of open records generally disfavors the sealing of judicial documents, the strength of the presumption is diminished here, since the information Vilar hopes to seal is of limited relevance to the pending motion and does little to advance the public's role in monitoring the courts. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006). Moreover, in light of the sensitive privacy interests at stake in disclosing Vilar's personal information and information pertaining to third parties, the Court is persuaded that the presumption of openness is overcome. *See United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995).

Accordingly, IT IS HEREBY ORDERED THAT document numbers 924-1 and 927 be removed from the docket and placed under seal. IT IS FURTHER ORDERED THAT Vilar shall file his January 26, 2021 letter requesting redactions and his signed financial statement by February 5, 2021, specifically redacting his date of birth, social security number, telephone and bank account numbers, and current address, along with his landlord's name and telephone number and the names of those who loaned him money. The Clerk of Court is respectfully

directed to delay filing this order until document numbers 924-1 and 927 are sealed, and to terminate the pending motion at document number 928.

SO ORDERED.

Dated: February 3, 2021
New York, New York

A handwritten signature in blue ink, appearing to read 'R. Sullivan', is written over a horizontal line.

RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation